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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,969

05/06/2005

Michael Roelleke

10191/4055

1954

26646 7590 09/13/2007  
KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

NOTIFICATION DATE

DELIVERY MODE

09/13/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@kenyon.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/511,969	ROELLEKE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tuan C. To	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in-condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17,19-25 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17,19-25 and 27-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 17, 19, 20, 25, 27, 29, 30, 32, 33, 35, and 36 are rejected under 35 U.S.C. 102 (a) as being anticipated by Achhammer et al. (US 6315074B1).

Regarding claims 17 and 25, the reference to Achhammer et al. has been provided as teaching a system for generating a triggering signal for a restraining unit a vehicle, the restraining unit provided for the event of a collision of the vehicle comprising: an impact detection unit detecting an impact of the vehicle wherein in the event of an impact, the impact detection unit generates a request signal for the restraining unit the request signal corresponding to an impact that has been detected (Achhammer et al., abstract; column 5, lines 4-16), a rotation detection unit detecting a

rotational motion of the vehicle about at least one of the longitudinal axis and the transverse axis of the vehicle, wherein the rotation detection unit generates a status signal corresponding to a rotational motion status (Achhammer et al., abstract, figure 1, rotation sensor detects rotation motion of the vehicle about longitudinal axis).

Achhammer et al. further teaches a circuit generating the trigger signal for the restraining unit, wherein the circuit combines the request signal and the status signal in generating the triggering signal, whereby information regarding one of a possible occurrence and the existence of a rotational motion is considered in triggering the restraining unit, and wherein the circuit includes at least one hold element determining a period of time during which no triggering signal may be generated when a critical rotational motion of the vehicle has been detected (Achhammer et al, the microcontroller (3) generates triggering signal based on the signal from rotation sensor (1) and inclination sensor (2), the triggering device blocks an activation of an occupant device if inclination sensor indicates a tilted position of the vehicle).

As to claims 19 and 27, Achhammer et al. teaches that an angular position is detected by the inclination sensor (2), and when the vehicle in the condition of rollover, the angular position exceeds a defined threshold value (Achhammer et al, column 5, lines 15-21).

As to claim 20, Achhammer et al. teaches an arrangement predicting a rollover, and wherein a critical rotational motion of the vehicle is deemed to exist when a rollover is predicted (Achhammer et al., figure 1; column 5, lines 28-44, the triggering circuit 3 does all the work to figure out the rotation of the vehicle).

As to claims 29, 30, 32, 33, 35, and 36 Achhammer et al. teaches that the restraining unit is blocked from being triggered when the rollover is detected (Achhammer et al. abstract).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21-24, 28, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Achhammer et al. (US 6315074B1) and in view of Watson et al. (US 20020152012A1).

As to claims 21, 24, and 28, Achhammer et al. teaches the limitations as recited in claim 20 except for "arrangement predicting a rollover is configured to detect and analyze an instantaneous angular velocity of the vehicle, and wherein a rollover is predicted when the instantaneous angular velocity exceeds a second threshold value.

Watson et al. teaches a vehicle rollover detection system in which the angular velocity is compared with a threshold value and therefore to determine the status of rollover of the vehicle (Watson et al, paragraph 0083).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle system as taught by Achhammer et al. to include the teaching of angular velocity as taught in Watson et al. to achieve the maximum protection for the vehicle occupant when the serious rollover is determined when an accident occurs.

As to claim 22, 23, 31, and 34, the Achhammer et al. teaches that triggering device blocks an activation of the occupant device when the inclination signal indicates a tilted position of the vehicle lasting longer than a predetermined time interval.

### ***Response to Arguments***

The applicant's remarks dated on 03/7/2007 have been fully considered. However, the application would not be patentable over the cited prior art. The applicant traverse the rejection for the reasons, according to the applicant, that

Achhammer et al. does not identically disclose (or even suggest) a circuit that includes at least one hold element determining a period of time during which no triggering signal may be generated when a critical rotational motion of the vehicle has been detected. In response to the applicant's, the examiner has restudied the teachings of Achhammer et al. Achhammer et al. teaches a system for triggering an occupant protection device when the triggering circuit (3) (figure 1) receives the signals when the rotation motion of the vehicle about longitudinal axis has been detected as well as the event of an impact of the vehicle (see figure 1, triggering circuit 3 coupled to the rotation sensor 1, inclination sensor 2, acceleration sensors 5 and 6, and that the triggering circuit determines triggering decision as a function of those acceleration as well). The electronic and acceleration sensors 5 and 6 detect vehicle motion in the vehicle's longitudinal or transverse direction, or the vertical direction. This fairly shows the vehicle impact has been detected in term of such vehicle motion. Achhammer et al. further teaches the following: "the triggering circuit 3 blocks the generation of an activation signal even should the output signal of the rate-of-rotation sensor 1 rise gain.....Thus, activation of the occupant protection system is blocked in order to prevent endangering the persons participating in the tilting back movement and/or still located in the vehicle". Therefore, to block the generation of an activation signal, the triggering circuit should inherently include a holding circuit for not activating occupant protection system in a period of time so that the vehicle occupant is protected from endangering in this situation.

The applicant argued in the his response, page 8, that the combination of the Schhammer reference and the Watson reference does not disclose or suggest all of the features of claims 17 and 25, or their respective dependent claims 21-24, 28, 31, and 34. As discussed herein above, the reference to Schhammer identically discloses the limitations as claimed in claims 17 and 25.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of the Achhammer reference and the Watson reference to achieve the maximum protection for the vehicle occupant when the serious rollover is determined when an accident occurs.

### ***Conclusions***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

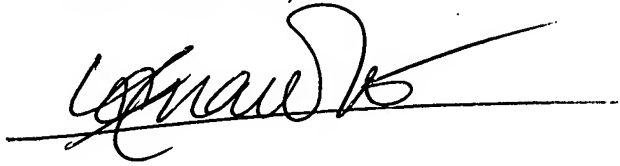
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

August 22, 2007